

**STATE OF INDIANA – COUNTY OF FRANKLIN  
IN THE FRANKLIN CIRCUIT COURT**

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**Notice of Proposed Amendments to Local rules, Finding of Good cause to Deviate  
From the Schedule, and Request for Supreme Court Approval  
October 17, 2008**

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In accordance with Trial Rule 81 of the Indiana Court Rules, the Franklin Circuit Court finds good cause to deviate from the schedule for amending or adopting local rules pursuant to TR 81(D), and gives notice to the bar and the public of amendments to its Local Rules setting forth its caseload allocation plan under LR24-AR1 (E)-5, and by adding a new local rule at LR24-AR00-01, concerning the divisions of the Circuit Courts. All new text is shown by underlining and deleted text is shown by ~~striketrough~~. The local rule amendment to the caseload allocation plan requires Supreme Court approval and may not take effect until approved by the Supreme Court.

These changes will be effective January 1, 2009.

In accordance with Trial Rule 81(B), the time period for the bar and the public to comment shall begin on October 29, 2008, and shall close on November 28, 2008. Comments by the bar and the public should be made in writing and sent to:

Hon. J. Steven Cox, Judge, Franklin Circuit Court, Attn: Public Comment on Local Rules, Franklin Circuit Court, 459 Main Street, Brookville, Indiana 47012 or to [fcounty@gte.net](mailto:fcounty@gte.net).

A paper copy of the proposed local rule amendments will be made available for viewing in the office of the Clerk of Franklin County, 459 Main Street, Brookville, Indiana 47012 during normal business hours. Persons with Internet access may view the proposed local rule amendments at the following website: <http://www.in.gov/judiciary/rules/local>

ORDERED on this 17<sup>th</sup> day of October, 2008.

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/S/  
J. STEVEN COX, JUDGE  
FRANKLIN CIRCUIT COURT

## **L.R. 24-AR00-01 PRESIDING JUDGE OF THE CIRCUIT**

The Franklin Circuit Court shall be comprised of two Divisions, namely, The Franklin Circuit Court and the Franklin Circuit Court, Division 2. The Franklin Circuit Court shall have as its administrator a Presiding Judge who shall be selected by agreement between the two judges of the Circuit. In the event that no agreement can be reached between the two judges of the Circuit, the Presiding Judge shall be selected based upon judicial seniority. The senior-most judge shall be the Presiding Judge and shall hold that position while in office or until such time as the two judges of the Circuit shall otherwise agree. The Presiding Judge shall be responsible for the following:

1. Prepare proposed local rules as are required to expedite and facilitate the court business;
2. Insure efficient operation of the court system and compliance with local rules; reassign cases to any judge within the division as needed;
3. Maintain and distribute to the other judge the bond schedule, caseload allocation schedules, juror excusal policy and other items necessary for the operation of the court system;
4. Provide direction and supervision of the court administrative offices and personnel including, but not limited to, court reporters, bailiffs, probation officers and probation staff;
5. Submit an annual budget for the court system; review and approve all claims for the court system;
6. Provide liaison between the Court and government and civic agencies;
7. Recommend appointments as specified in I.C. 33-4-10-5(1) and by local ordinance;
8. Allocate courtrooms and ancillary space as well as court personnel, and provide a schedule outlining upon which days cases shall be scheduled within the circuit for the efficient administration of court business;
9. Contract with the Bar for the provision of indigent defense within the circuit;
10. Provide a final resolution to any administrative dispute which may arise within the circuit which resolution shall be binding upon the entire circuit.

This Local Rule shall be effective January 1, 2009, and shall remain in effect thereafter until revised or repealed.

## L.R.24-A.R.1(E)-5 CASE ALLOCATION

~~Pursuant to Administrative Rule 1(E)-5, the one Court in Franklin County and all cases, will be assigned to the Circuit Court Judge, J. Steven Cox, and as of July 1, 2007, all cases designated by the Circuit Court, except probate and juvenile cases, may be assigned by the Circuit Court to the Magistrate Clay M. Kellerman.~~

- (A) Cases filed on or before July 1, 2007, or not already transferred under L.R. 24-A.R. 1(E)-5, shall remain in the court of origin, unless otherwise Ordered.
- (B) Effective January 1, 2009, the limitation of filings will be in place without exception. The allocation of cases will be as follows:

### CIRCUIT COURT

CRIMINAL: Felonies which include MR (murder), FA (class A felony), FB (Felony B felony), FC (Class C felony) MC (Miscellaneous Criminal), and misdemeanors in conjunction with Murder, or A,B, or C felonies.

CIVIL: PL (Civil Plenary), CC (Civil Collection), CT (Civil Tort), DR (Domestic Relations), RS (Reciprocal Support), MH (Mental Health), PO (Protective Orders), MF (Mortgage Foreclosure), AD (Adoption), MI (Miscellaneous), ES,EU,GU, TR (Probate)

JUVENILE: JP (Juvenile Paternity), JD (Juvenile Delinquency), JS (Juvenile Status), JM (Juvenile Miscellaneous), JC ( Juvenile CHINS), JT (Juvenile Termination)

ALL CASES IN CONFLICT WITH *Circuit Court 2*

### CIRCUIT COURT 2

CRIMINAL: Felonies which include FD (class D Felony), misdemeanors in conjunction with D felonies, CM (class A misdemeanors, class B misdemeanors, class c misdemeanors) and IF (Infractions).

CIVIL: SC (Small Claims), PL (Civil Plenary), CC (Civil Collection), CT (CIVIL Tort), DR (Domestic Relations), RS (Reciprocal Support), PO (Protective Orders), MF (Mortgage Foreclosure), MI (Miscellaneous)

ALL CASES IN CONFLICT WITH *Circuit Court*

- (C) Assignment of cases, effective January 1, 2009, the Clerk of the Franklin Circuit Court shall perfect the following limitation of filings:
1. (PL) Civil Plenary, (CC) Civil Collections, (MF) Mortgage Foreclosures, (CT) Civil Tort, (DR) Domestic Relations, (RS) Reciprocal Support and (MI) Miscellaneous shall be assigned on an alternating basis between the two divisions of the circuit for each category above listed.

2. (PO) Protective Orders shall be assigned on an alternating basis between the two divisions of the circuit except that multiple cause numbers arising out of same or similar facts shall be assigned as a group before rotation to the next court.